

File No. 120643

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: City Operations

Date 9/24/2012

Board of Supervisors Meeting

Date _____

Cmte Board

- Motion
- Resolution
- Ordinance
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- Introduction Form (for hearings)
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- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

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Completed by: Derek Evans Date 9/20/2012

Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

1 [Liquor License Transfer, 398-12th Street]

2
3 **Resolution determining that the premise to premise transfer of a Type 48 on-sale**
4 **general public premises liquor license from 2700-16th Street to 398 12th Street**
5 **(District 6) to Mark E. Rennie for Double Rainbow, LLC, dba Roadhouse Tavern,**
6 **will serve the public convenience or necessity of the people of the City and**
7 **County of San Francisco, in accordance with Section 23958.4 of the California**
8 **Business and Professions Code, with conditions.**

9
10 WHEREAS, Mark E. Renne is seeking a transfer of a Type 48 on-sale general
11 public premises liquor license from 2700-16th Street to 398 12th Street for Double
12 Rainbow, LLC, dba Roadhouse Tavern; and,

13 WHEREAS, The Planning Department has verified that the area is properly
14 zoned and recommends approval; now, therefore, be it

15 RESOLVED, That in accordance with Section 23958.4 of the California Business
16 and Professions Code, the Board of Supervisors of the City and County of San
17 Francisco hereby determines for the foregoing reasons that the transfer of a Type 48
18 on-sale general public premises liquor license from 2700-16th Street to 398 12th Street
19 for Double Rainbow, LLC, dba Roadhouse Tavern, will serve the public convenience or
20 necessity of the people of the City and County of San Francisco.

21 Conditions: (1) Sales, service and consumption of alcoholic beverages shall be
22 permitted only between the hours of 11:00 a.m. and 2:00 a.m. daily. (2) No noise shall
23 be audible beyond the area under the control of the licensee(s) as defined on ABC-257.
24 (3) The sale of alcoholic beverages for consumption off the premises is strictly
25 prohibited. (4) Loitering (loitering is defined as "to stand idly about; linger aimlessly

1 without lawful business”) is prohibited on any sidewalks or property adjacent to the
2 licensed premises under control of the licensee as depicted on the ABC-257. (5) The
3 petitioner shall utilized electronic surveillance and recording equipment that is able to
4 view all exits and entrance points of the exterior of the premises. The electronic
5 surveillance/recording shall be operational at all times that the premises open to the
6 public. Said electronic recording shall be maintained and kept for a minimum of seven
7 (7) days, and shall be made available to Law Enforcement on demand. (6) Petitioner
8 shall not make structural changes in the premises interior without prior written approval
9 from the Department. (7) The licensee shall provide security as needed. Security
10 personnel shall be readily identifiable as security by wearing distinctive clothing that has
11 a logo of the establishment and the apparel shall state “SECURITY STAFF”. (8) The
12 exterior of the premises shall be equipped with lighting of sufficient power to illuminate
13 and make easily discernible the appearance and conduct of all persons on or about the
14 premises. Additionally, the position of such lighting shall not disturb the normal privacy
15 and use of any neighboring residences.

Rec'd in Committee
7/90 File: 120643



**California Department of
Alcoholic Beverage Control
License Query System Summary
as of 5/2/2012**

335040

1992

License Information
License Number: 513951
Primary Owner: DOUBLE RAINBOW LLC
ABC Office of Application: 24 - SAN FRANCISCO
Business Name
<i>... No Active DBA found ...</i>
Business Address
Address: 398 12TH ST Census Tract: 0177.00
City: SAN FRANCISCO County: SAN FRANCISCO
State: CA Zip Code: 94103
Licensee Information
Licensee: DOUBLE RAINBOW LLC
<i>Company Information</i>
Officer: NIKITOPOULOS, JOHN (MANAGING MEMBER)
License Types
1) License Type: 48 - ON-SALE GENERAL PUBLIC PREMISES
License Type Status: PENDING
Status Date: 29-AUG-2011 Term: 12 Month(s)
Original Issue Date: Expiration Date:
Master: Y Duplicate: 0 Fee Code: P40
License Type was Transferred On: FROM: 47-382816
Current Disciplinary Action
<i>... No Active Disciplinary Action found ...</i>
Disciplinary History
<i>... No Disciplinary History found ...</i>
Hold Information
Hold Date: 29-AUG-2011 Type: FORM 220
Hold Date: 15-MAR-2012 Type: FRANCHISE TAX HOLD
Escrow



40001200

**California Department of
Alcoholic Beverage Control
License Query System Summary
as of 5/21/2012**

415-376-4414 for my hash

License Information	
License Number: 382816	*
Primary Owner: VIMLA INC	
ABC Office of Application: 24 - SAN FRANCISCO	
Business Name	
Doing Business As: EL RINCON	
Business Address	
Address: 2700 16TH ST	Census Tract: 0177.00
City: SAN FRANCISCO	County: SAN FRANCISCO
State: CA	Zip Code: 94103
Licensee Information	
Licensee: VIMLA INC	
Company Information	
Officer: YADAV, VIMALABEN C (PRESIDENT)	
Officer: YADAV, MANGALABEN C (SECRETARY TREASURER)	
Stock Holder: YADAV, VIMALABEN C	
License Types	
1) License Type: 47 - ON-SALE GENERAL EATING PLACE	
License Type Status: SURRENDERED	
Status Date: 11-APR-2011	Term: 12 Month(s)
Original Issue Date: 29-MAY-2002	Expiration Date: 30-APR-2012
Master: Y	Duplicate: 0
Fee Code: P40	
Condition: OPERATING RESTRICTIONS	
License Type was Transferred On: 29-MAY-2002	
FROM: 48-122439	
License Type was Transferred On: TO: 48-513951	
Current Disciplinary Action	
... No Active Disciplinary Action found ...	

~~TABLE~~

Rec'd in Committee
7/30 File No: 120643

Honorable Supervisors,

My name is Seth Munter. I am here to ask you to TABLE this motion, and DELAY consideration by the board of supervisors.

Your action to TABLE is the ONLY way to bring all parties to the table for discussion.

I am a licensed Real Estate Salesperson in the State of California, and hold a Masters in Business Administration for UC Berkeley. I represent Mark Frazier, owner and operator of the Dallas Eagle. Over a year ago Mr. Frazier and I tried to approach the owner of 398 12th Street, John Nikitopoulos, to discuss a lease arrangement. Mr. Nikitopoulos made 2 demands before he would be willing to negotiate a lease:

1. All back rent (6 months at over \$8,000) would have to be paid by my client.
2. All repairs needed to bring the building to ADA compliance would have to be paid by my client

Let me be clear: Mr. Nikitopoulos would not DISCUSS a proposal without those requirements.

Working with Ron Hennis, past Manger of the SF Eagle Tavern, we ran financial analyses of 5 year business plans. The venture would be profitable were it not for Mr. Nikitopoulos' unreasonable pre-conditions.

Mr. Frazier made it clear he was interested in the Eagle. He asked to be called if Mr. Nikitopoulos changed his mind. My client left the door open to further discussions if anything changed. Mr. Nikitopoulos has NEVER called.

At that time I spoke with Supervisor Weiner, Supervisor Kim and Bevan Dufty, then a candidate for Mayor. We discussed working with Mr. Nikitopoulos to find a solution. His lawyer was unwilling to establish any dialog. I've been told that Mr Nikitopolous has not returned phone calls from Supervisor Weiner

This is unfortunate and unjustified. We deserve better from a landlord who has profited so long from the patrons of the SF Eagle Tavern.

When we learned of this transfer application, Mark Frazier and I contacted a number of community leaders who are willing to participate in these discussions. We believe that with community support, we can work with Alex _____ and Michael _____ to create a mutually beneficial agreement.

But Mr. Nikitopoulos has not responded to outreach and communication. But he has responded to pressure. He has responded to protests. He has ONLY responded when forced.

You have an opportunity to bring Mr. Nikitopoulos to the table. I'm not asking to deny the application. I'm not asking that we keep 398 12th Street vacant. But until YOU make it clear that the city expects the community to have a chance, an opportunity, to sit down with leaders and businessmen and hammer out a proposal, Mr. Nikitopoulos will continue to stonewall us.

We have the resources on our board of supervisors to mediate this issue. We have done this before with the Edge bar in The Castro. And with your help, mediation, and DIRECT PRESSURE, we can save the SF Eagle.

The ONLY way to bring all parties together is to TABLE this motion. So please... do NOT refer this proposal to the board for tomorrow's meeting, but POSTPONE consideration for one month so we can bring everyone involved together for a mutually beneficial solution.

Rec'd in Committee
7/30 File No. 120643



DEFENDERS/San Francisco

P. O. Box 14564, San Francisco, CA 94114-0564
www.sfdefenders.org

Board of Supervisors
City Hall
San Francisco, CA

Statement on the liquor license for the former Eagle Tavern

My name is William Baird. I live at 1370 De Haro Street. I have been a resident of San Francisco for 29 years.

I am the President of the San Francisco chapter of a club call the Defenders. We are a service organization, part of the leather-levi community, chartered by DignityUSA, which a national organization of LGBT Catholics. One of our primary purposes is to raise money for distribution to a variety of organizations. For our 18 years of existence, we typically have raise \$3,000 - \$4,000 a year; the primary source of fund-raising has been events at the Eagle. While we are looking at other sources of income, the loss of the beverage-benefits at the Eagle has been a major blow to our club, as well as to many other small not-for-profit groups in the City. Our lack of being able to distributed funds has impacted our beneficiaries, which range from the AIDS Emergency Fund to the Sojourn Chaplaincy at San Francisco Hospital to the Ronald MacDonald House for the families of hospitalized children.

In any transfer of a liqueur license for this premise, we ask that you consider the intent of the management for being supportive of the LGBT community by providing the means for **fund raising** using the unique character of the venue. Simply providing beverage services for sale to the community is not enough – there are many bars and restaurants that do that. The need is for partnering with a variety of organizations to generate income for those groups.

Thank you.

A handwritten signature in black ink, appearing to read "William Baird". The signature is fluid and cursive.

William Baird
President

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Rec'd in Committee
7/30 File No. - 120643

Anarchonda

FRIDAY, APRIL 29, 2011

What if loosing the Eagle was an inside job!

So this is just a made up story or is it?

You own two bars in SOMA and you are a heavy drinker and poor business person. One bar called the Hole in the Wall is your baby and it just cost you a great deal of money to relocate it in the SOMA neighborhood. You want this bar to continue and can't afford the second bar called the Eagle. You decide to sell the Eagle but during that time there is rampant problems created by this owner like inventory problems, rent not being paid for months and you decide it would be better to sell to a straight owner to cut down on competition for your bar the Hole in the Wall. In fact you have willingly made a deal to sell to the owners of the Skylark bar.

Well what would happen then if some drag queen and a young faerie hold a "Save the Eagle" rally and garner national attention around the closing of this institution and due to public pressure ruin the sale before it goes through?

Well one you would stand in front of these people and say there is no hope of saving the Eagle. You would say in the media there is no five year lease. You probably would not mention that there have been problems in your paying rent and thats why the owner of the land wants you out. You probably would not say that you received an eviction notice or two along the way and ignored them so that when the notice to appear in court around said eviction it comes as a shock to the people who are trying to save the Eagle. You would probably yell at your manager that this is his fault. Finally you would hold the liquor license hostage from potential buyers like say the owner of the Dallas Eagle; who has a great reputation as a community and AIDS activist. You might also go into the Eagle and start removing art work and memorabilia and stop liquor deliveries. Yep if your names were John and Joe and you currently just want out at any cost you would do this.... and to your own community.

While talking to a lawyer for the property owner all this might come out and become knowledge for the community. This lawyer would tell you things like, "Of corse we want a 30 year business to stay in the property that is just good business sense." Or "If it were not for all the problems with the current lease holder the entire process would have been easier," Or even "Keep it the Eagle but we can't get you the liquor license because John and Joe own that and they don't want to sell it."

It sounds like fiction but actually it's just about as true as can be. Hoodwinked by members of our own community.

Thanks a lot John and Joe. That was real nice to find out yesterday as you dismantled a place so many called home. Hope the Hole in the Wall serves you well but I will say that I will never step foot into one of your establishments again. I am very saddened to find all this out and would never ever give you another cent of queer monies after what you have put us through this last month. Utterly disturbing!

Posted by Glendon Anna Conda Hyde at 7:46 AM

ShareThis

Labels: bars, Eagle Tavern, Gay Lesbian Homosexuality Anna Conda China QuYan, hole in the wall saloon. San Francisco

No comments:

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FACEBOOK BADGE

Anna Glendon Conda Hyde



Name:
Anna Glendon
Conda Hyde
Email:
herrachick@yaho
o.com
Status:
None

Create Your Badge

ABOUT ME



Glendon Anna
Conda Hyde

I am a drag queen who started out in NYC in the early 90's. I was a fixture in the East Village and performed at Boy Bar, Jackie 60, and Channel 69. Moved to San Francisco and started Charlie Horse night club in 2004. It won Best of the Bay for best drag show 2005, 2007, 2009 and

BLOG ARCHIVE

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 - ▶ May (1)
 - ▼ April (9)
 - What if loosing the Eagle was an inside job!
 - X-Ray Specs "Iden tity" by Anna Conda @

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combined punk/
 Indi rock and drag
 mayhem every
 Friday at the Cinch
 and Herr-A-Chick a
 live band, drag
 cabaret at the
 Eagle Tavern.
 In 2009 was Sainted
 by the Sisters of
 Perpetual
 Indulgence.
 Became Saint
 Annaconditional
 Love; protector of
 the Polk and
 Purveyor of the
 Apunkalypse
 I am sitting
 President of the
 Harvey Milk LGBT
 Democratic Club,
 on the board of the
 United Playaz, and
 fundraising for the
 Shih Yu-Lang YMCA.
 I am also working
 with the Alliance
 to Save Lives to
 help create the
 first Safe Use
 Sights is the US.
 In 2010 ran for
 District 6
 Supervisor in San
 Francisco. Was 4th
 out of 15
 candidates.
 Board Member 2011
 United Playaz SF,
 and Harvey Milk
 Club, Shi Yu Lang
 YMCA.
 Summer of 2011
 appointed as the
 Neighborhood
 Representative on
 the Entertainment
 Commission of the
 City and County of
 San Francisco

My heros are
 Harvey Milk,
 Katherine Hepburn,
 Ghandi, and most
 Punk pioneers.
 Favorite book is "A
 Prayer for Owen
 Meany" or "A Tale
 of Two Cities".
 Music the women
 of 4AD, Smiths,
 Echo and the
 Bunnymen, PJ
 Harvey, Patti
 Smith, and most
 indi and punk. Pop
 music in general
 sucks and is
 produced to kill

Charlie Hor...
 Monistat "Oh
 Bondage
 Up Yours"
 X-Ray
 Specs
 Save the
 Eagle
 Tavern-
 Truth be
 told
 The Eagle SF's
 last days
 Cornel West
 and the
 fight
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 Francisco's
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 Land of
 Milk and
 Honey

- ▶ [March \(2\)](#)
- ▶ [January \(1\)](#)
- ▶ [2010 \(45\)](#)
- ▶ [2009 \(22\)](#)



Rec'd in Committee
7/30 File No: 120643

Mark Rennie <rennie23@gmail.com>

Serious errors in your protest letter re: 398-12th Street ABC Transfer

2 messages

Mark Rennie <rennie23@gmail.com>

Sun, Jul 29, 2012 at 7:09 PM

To: Henry Karnilowicz <occexp@aol.com>

Cc: Scott Wiener <Scott.Wiener@sfgov.org>, jane.kim@sfgov.org, christina.olague@sfgov.org, Terrance Alan <terrance@sequelmedia.com>, Audrey <audrey@audreyjoseph.com>

Henry:

As a co-founder (in 1987, along with Tricia James) of the South of Market Business Association /SOMBA, I am shocked and saddened to read your inaccurate and anti-business protest letter that was sent out on SOMBA's letterhead. As you know I do a great deal of ABC transfer work, and find your July 27, 2012 protest letter to be incorrect and misinformed.

First, by law, intra-county premises to premises transfers of ABC licenses are allowed. If the proposed license is a type- 48, 42, 40, 20 or 21, then a Public Convenience or Necessity determination must be passed by the Board of Supervisor or local governing body. That is the matter that is before the Board of Supes committee tomorrow at 9 am on the former Eagle Tavern.

You infer in your letter that per the SFPD, Mayor and Board of Supervisors, there can be no additional type-48 licenses in Southern District due to its "high density of bars". Wrong.

Please research:

-- **Board of Supes Res. 198-12** (file number No. 120080 Passed 5/22/12) whereby a Type-48 license was transferred into Southern District to **43 6th St.** from the Tenderloin.

I believe that you supported that new license and wrote a letter of support. [The Mayor is cutting the ribbon on that new bar, **Club OMG!**, 1 this coming Thursday.]

-- **Board of Supes Res. 0532-11** (file number No. 111074 Passed 12/5/11)] a new Type-48 was allowed at **691 Market Street** for **Local Edition**.

-- **Board of Supes Res. 577-10** (file number No. 101329 Passed 12/7/10) a Type -48 license was allowed to transfer onto **63 Jesse St.** from 730-732 Broadway Street.

-- **Board of Supes Res. 447-10** (file number No. 100834 Passed 12/7/10) a Type -48 license was allowed to double in size ("**intensification**") at **101 6th Street**.

-- **Board of Supes Res. 447-10** (file number No. 100834 Passed 12/7/10) a Type-47 license was converted to Type-48 and placed at **161 Erie Street** near 13th and Mission onto **Public Works**, a large dance club.

Type-47 and Type-48 are both full-liquor ABC licenses. By law they are convertible from Type-48 to 47 or vice versa, upon payment of a \$100 conversion fee to ABC. I agree that

converting a Type-47 to a 48 is very tough in San Francisco because of SFPD protests. But it happens and it is possible. It only requires approval of SFPD and the Board of Supes.

In this case, the premises at 398-12 Street has held a Type-48 bar license since at least the 1940's. It was an Irish longshoreman's bar [originally Buzz's Shamrock Tavern] longer than it was a leather/levi bar.

The original SF Eagle opened in 1980 and closed in 1997, and was an important gay institution that raised approximately \$3 million for HIV charities. In 1997 the SF Eagle business slowed and the bar was sold to the owners of the Hole in the Wall Saloon. These new owners renamed the bar the Eagle Tavern, got rid of the beer-bust fundraisers [later brought back due to community complaints], and got rid of the bare-chest fundraising calendar. The Hole in the Wall guys basically ran the business into the ground; They did not pay rent for the last six months of operation, and then refused to sell the Type-48 license to other gay owners who wanted to buy the place. There was a unlawful detainer eviction lawsuit pending against them when they stripped the bar in the middle of the night and left.

Don't believe me-- review the details of this sorry tale written by your associate, Glendon Hyde. Here is a link to Ana Conda's blog dated April 29, 2011.: <http://anarchondas.blogspot.com/2011/04/what-if-loosing-eagle-was-inside-job.html>. I confirms what I just wrote regarding the death of the Eagle in April 2011.

Mr. Hyde knew the real story of the Eagle's demise as of April 2011, but continued to spew anti-straight person rhetoric in order to rally the troops and stop any non-queer owner from taking possession of the business. Prejudice and discrimination is **always** wrong in my book, Henry. And you don't get a pass just because you are gay and trying to put a de facto deed-restriction on the property, that says only gay folk may own or lease certain property. I do hope that SOMBA stills believes in property rights.

The property at 398 -12th St. is owned by a trust that pays its income to a number of seniors who need that income to survive. They haven't had any rental income in approximately two years. The place has sat empty since April 2011-- 15 months. No jobs, no taxes to the city, no cool garden for the neighborhood folks to enjoy, and no Sunday fundraisers. The protest period on this pending application at ABC passed at the end of 2011. I don't see anything in your protest relevant to whether granting a new Type-48 license to this location serves or doesn't serve the public convenience of the citizens of San Francisco. The issue before the Board of Supes committee must be related to the public convenience-- and we believe that my letter requesting this PCN determination met our burden in showing how we will serve the

public convenience of the citizens of our City. This new operator will create approximately 35 jobs; they will create a beautiful urban garden with food and drink that is unique in Francisco; they will add a food component executed by extremely talented and successful food operators; they will clean up a blighted corner; reopen a failed/dead business; they will honor the history of the site; continue holding HIV fundraisers; and start paying City taxes. We have more than met our burden for a PCN, the SFPD agrees that we have met our burden, and the original committee vote on this matter was 3 to 0 in our favor. Not one person showed up to protest this transfer at the first duly-noticed hearing at the Board, nor were there any protests lodged with ABC during the official protest period [other than SFPD protest, which was removed after the client agreed to conditions on the new license.]

The applicants understand the extreme historical importance of this location. I lived in San Francisco Soma district during the entire 1983 to 1995 period, and I went to fundraisers at the Eagle. I say the horror show up close, and held dear friends in my arms and watched them die. Literally. **I get it.** I know what those \$1000 annual checks from the Aids Emergency Fund meant to friends who were dying, out of work and shunned by their family and friends. And I know how the leather guys were the **FIRST** people to step up to the plate, and do something about the nightmare. These guys changed the course of this horrible disease, they changed the course of history and the entire health-care delivery system in the US. The SF Eagle was ground zero in this story. I get it, and the proposed new operators get it.

What I **don't** get is how reverse discrimination is going to help anything. A dead space rotting away, another failed gay-owned following a failed business model, or a 85 ft. condo project at 398-12th Street in NOT a proper memorial for the generosity, and the valiant sacrifices made by patrons of the SF Eagle.

We need to talk.

Mark

--

Mark Rennie
Law Offices of Mark E. Rennie
870 Market Street, Ste. 1260
San Francisco, CA 94102

o. 415-981-4500
fax. 415-981-3334
cell. 415-621-2300
text. 415-350-0945

occxp@aol.com <occxp@aol.com>
To: rennie23@gmail.com

Sun, Jul 29, 2012 at 7:49 PM

I agree, we need to speak. Mark. I must say that I was not all that comfortable about writing this letter but I assumed the information provided was correct . I certainly will consider withdrawing it.

Henry Karnilowicz
President • SomBa

Occidental Express
Consulting • Design • Construction • Management
C.S.L. #319153
1019 Howard Street
San Francisco, CA 94103-2806
415.420.8113 cell
415.621.7583 fax
[Quoted text hidden]

120643

MARK E. RENNIE
ATTORNEY AT LAW
870 MARKET STREET
THE FLOOD BUILDING, SUITE 1260
SAN FRANCISCO, CALIFORNIA 94102

(415) 981-4500

RECEIVED
BOARD OF SUPERVISORS
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2012 MAY 24 AM 9:10
RC

May 18, 2012

Angela Calvillo
Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Re: Double Rainbow, LLC dba **Roadhouse Tavern**
California ABC Liquor License Transfer
398 – 12th Street, San Francisco, CA 94103-4330
Public Convenience and Necessity Determination Request
*ABC Type 48 License—On-Sale General Public Premises
Premises-Premises Transfer from 2700 -16th Street. SF CA 94103*

Dear Ms. Cavillo:

This office represents Double Rainbow, LLC dba **Roadhouse Tavern**. My clients have applied to the California Department of Alcoholic Beverage Control (ABC) to transfer an On-Sale General Public Premises license to the premises at 398 – 12th Street, San Francisco, CA 94103-4330. This particular address has been licensed as a bar and nightclub since December 1980.

The previous owner operated this venue as the Eagle Tavern, a much- beloved institution in San Francisco’s LGBT community and in the South of Market neighborhood. The location is unique in San Francisco and features a very large outdoor patio, garden and grilling area. There is also an outdoor stage which has historically featured local musicians and bands. This patio has hosted hundreds of fundraisers over the past three decades, primarily for HIV related charities.

After some 30 years the Eagle Tavern encountered financial problems and the previous owner closed the operation and removed their liquor license. The closing of the Eagle attracted a great deal of media attention. Unfortunately, much of what was reported was inaccurate and misstated the situation with the lease extension.

My client’s family has owned the property for over 40 years and now wishes to place a new ABC license on the venue and reopen the business. It is our intention to maintain the spirit and layout of the location. We will upgrade the patio and the restrooms while maintaining the historic feel and charm of the business. During remodeling we will make the venue fully ADA compliant with new accessible bathrooms and other path-of-travel ADA upgrades. We will also add new soundproofing to insure the quiet enjoyment of nearby residences.

Angela Calvillo
Clerk of the Board
Page Two

The Roadhouse tavern will continue hosting fundraisers with a special emphasis on LGBT and HIV charities. Besides these fundraisers it is my client's intention to support the local community with food drives, Christmas dinners and benefits for local charities and arts groups. We also intend to continue the much- beloved Thursday night live music events.

Given the historical importance of this business, and the value of this venue to the local music and LGBT community, we believe that its reopening will serve the local neighborhood as well as the larger San Francisco community and tourist economy. According to the California Arts Council, the Arts and Culture sector of the tourism industry in California tops \$17 billion in annual expenditures—one out of every four tourism dollars. San Francisco's tourist industry generates over \$6 billion and is the number one industry in the City. This venue has been and hopefully will be in the future a dynamic part of our culture and tourism industry.

The reopening of this business at 398- 12th Street will add approximately 30 jobs to the San Francisco economy, as well as continuing sales tax revenue for the City. The large outdoor patio will be a valuable resource to the neighborhood and to San Francisco entertainment community. This location, with its large walled outdoor patio and sunny inner-Mission climate, is unique and different from any other bar, lounge or nightclub in San Francisco. The applicant is open to the imposition of conditions to address any community or law enforcement concerns.

The approval by the Board of Supervisors of this ABC License would not have any detrimental effect on the surrounding neighborhood or the city of San Francisco. Historically, the clientele of this operation fit well into the existing neighborhood and has posed no public safety problems in the past. The Eagle Tavern has been a good neighbor and positive influence in the neighborhood and The Roadhouse Tavern will likewise be a good neighbor and an asset to the community.

For the reasons outlined above, applicant Double Rainbow, LLC dba **Roadhouse Tavern** respectfully request that this letter be forwarded to the City Operations and Neighborhood Services Committee of the Board and that this Committee and the full Board of Supervisors make a determination under California Business and Professions Code § 23958.4 that the public need or convenience would be served by the issuance of a Type-48 liquor license to **Roadhouse Tavern** at 398- 12th Street

Thank you for your consideration of this request.

Yours truly,



Mark E. Rennie

LIQUOR LICENSE REVIEW

TO: Planning Department
AnMarie Rodgers/CTYPLN/SFGOV
Georgia Powell/CTYPLN/SFGOV@SFGOV
Fax No.: 558-6409

File: 120643

TO: Inspector Kenneth Stocker
Police Department
Fax No.: 553-1463

Block/Lot: 3522/014
Zoning: SLR
Quad: SE
MB # 1201206

DATE: June 6, 2012

This item is scheduled to be heard at a meeting on July 23, 2012. **PLEASE EMAIL YOUR RESPONSE BY:** July 19, 2012, to Gail Johnson, Clerk, City Operations and Neighborhood Services Committee.

Gail.Johnson@sfgov.org - Fax No: 554-7714

Applicant Name: Mark E. Rennie
and Business Name: Roadhouse Tavern (398-12th Street)

Applicant Address: 870 Market Street
The Flood Building, Suite 1260
San Francisco, CA 94102

and Phone No. (415) 981-4500

PLANNING COMMENTS: Approval Denial

All Retail Sales, including Bars, are principally permitted in SLR per P.C. Sec. 816.31. Type 48 license is permitted w/ a Bar per P.C. Sec. 796.22.

Gail Johnson 7/3/12

POLICE COMMENTS: Approval Denial



San Francisco Police Department
ABC Liaison Unit



Alcoholic Beverage License -
*Public Convenience and
Necessity Recommendation*

To: The San Francisco Board of Supervisors' Committee on City
Operations & Neighborhood Services

Supervisor Sean Elsbernd
Supervisor Carmen Chu
Supervisor Christina Olague

From: Inspector Julie Lazar
ABC Liaison Unit (ALU) 553-1049

Date: June 20, 2012

Subject: P.C.N. Investigation Regarding: Double Rainbow LLC
DBA: Roadhouse Tavern
398-12th Street
Mark E Rennie
(408) 981-4500

Mark Rennie on behalf of Double Rainbow LLC has filed an application with the California Department of Alcoholic Beverage Control seeking a Person to Person/Premises to Premises- Type 48 (On-Sale General for Public Premises) bar license for 398-12th Street (located on the northwest corner of 12th Street and Harrison Street).

It should be noted that during the application process, notification date for the 500' mailer was on October 11, 2011. The Notice to the Public was posted on October 9, 2011.

For the purposes of this hearing, the California Department of Alcoholic Beverage Control (ABC) seeks a determination from the Board of Supervisors as to the approval or denial of this license.

Police Calls for Service: From September 2010 to September 2011

No Record

Police Reports: From September 2010 to September 2011

No Record

San Francisco Plot Information:

This premise is located in Plot **204**

The High Crime area is defined as 215 or more police reports in a plot.

This plot had **559** police reports recorded for *2010*. This is **OVER** the High Crime area definition by **344** police reports.

The applicant premises **is** located in a "High Crime" area.

State Census Tract Information:

This premise is located in Census Tract **177**

Population for this tract is: **1,777**

On-sale license authorized by census tract: **7**

Active on-sale licenses: **33**

Off-sale licenses authorized by census tract: **2**

Active off-sale licenses: **9**

Letters of Protest:

No record with the California Department of Alcoholic Beverage Control, (ABC).

Letters of Support:

No record with the California Department of Alcoholic Beverage Control, (ABC).

Departmental Recommendation:

No opposition from **Southern Station**

ALU recommends approval. The following conditions have been recommended to the California Department of Alcoholic Beverage Control, (ABC):

1. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. and 2:00 a.m. daily.
2. No noise shall be audible beyond the area under the control of the licensee(s) as defined on the ABC-257.
3. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.

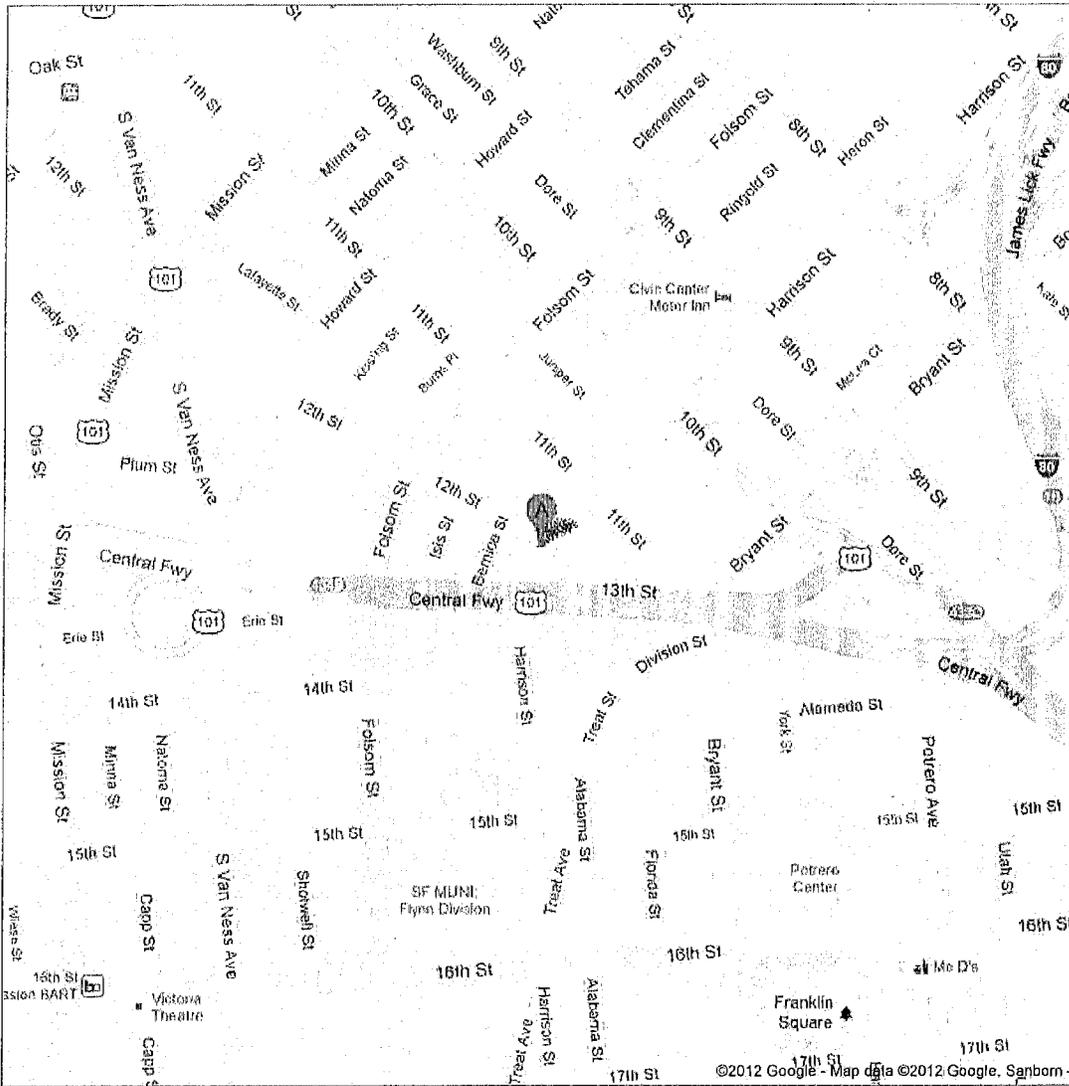
4. Loitering (loitering is defined as "to stand idly about; linger aimlessly without lawful business") is prohibited on any sidewalks or property adjacent to the licensed premises under the control of the licensee as depicted on the ABC-257.
5. The petitioner shall utilize electronic surveillance and recording equipment that is able to view all exits and entrance points of the exterior of the premises. The electronic surveillance/recording shall be operational at all times that the premises are open to the public. Said electronic recording shall be maintained and kept for a minimum of seven (7) days, and shall be made available to Law Enforcement on demand.
6. Petitioner shall not make structural changes in the premises interior without prior written approval from the Department.
7. The licensee shall provide security as needed. Security personnel shall be readily identifiable as security by wearing distinctive clothing that has a logo of the establishment and the apparel shall state "SECURITY STAFF".
8. The exterior of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the premises. Additionally, the position of such lighting shall not disturb the normal privacy and use of any neighboring residences.

Thank you.



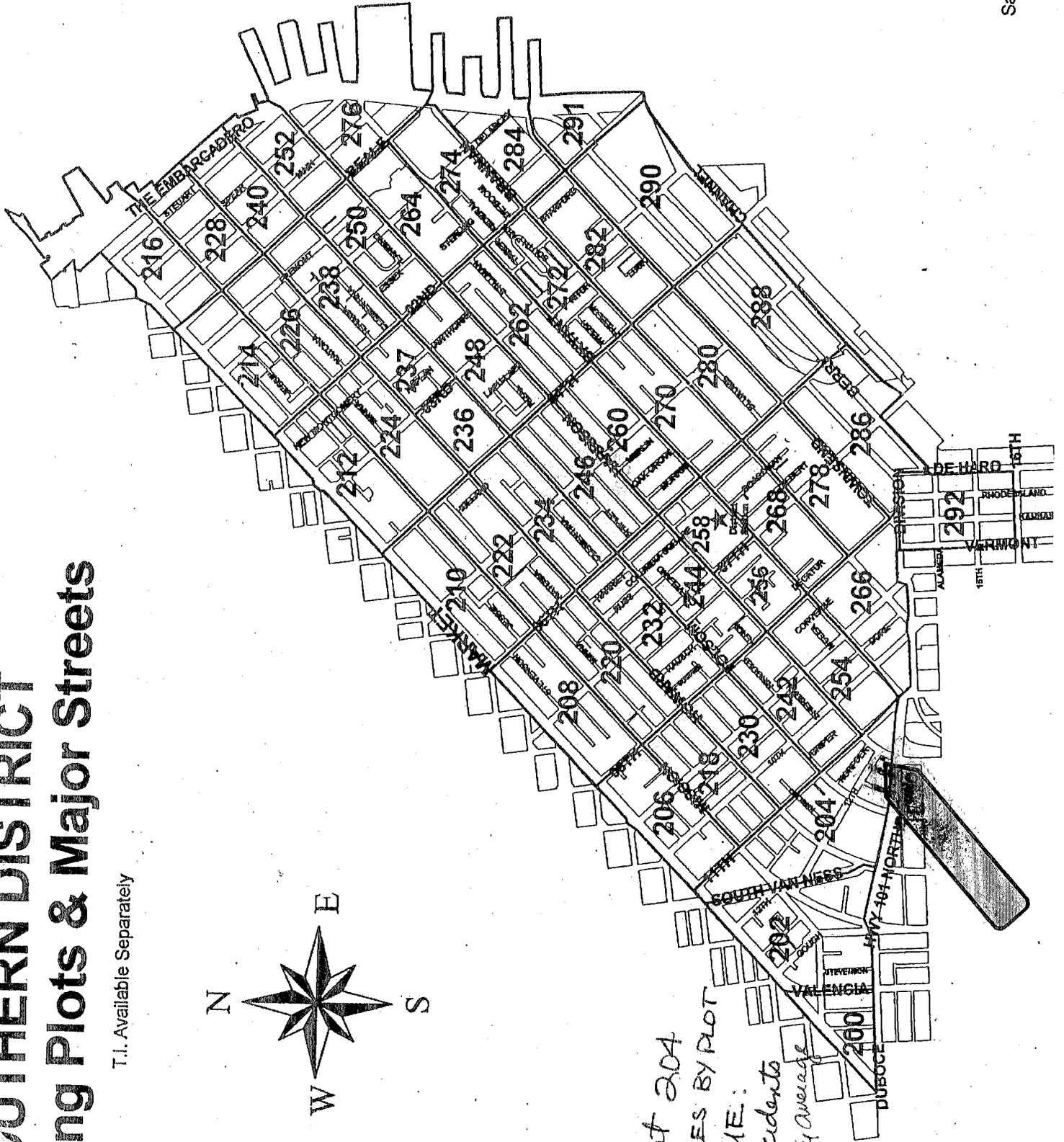
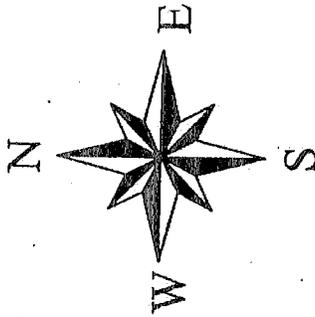
Address 398 12th St
San Francisco, CA 94103

Roadhouse Tavern
48-513951



SOUTHERN DISTRICT Plotting Plots & Major Streets

T.I. Available Separately



Police Plot 204
 2010 - CRIMES BY PLOT
 HIGH CRIME:
 559 incidents
 215 - city average
 344



398-12th St- Census Tract 177

Legend:

Boundaries

- State
- '10 County
- '10 Census Tract

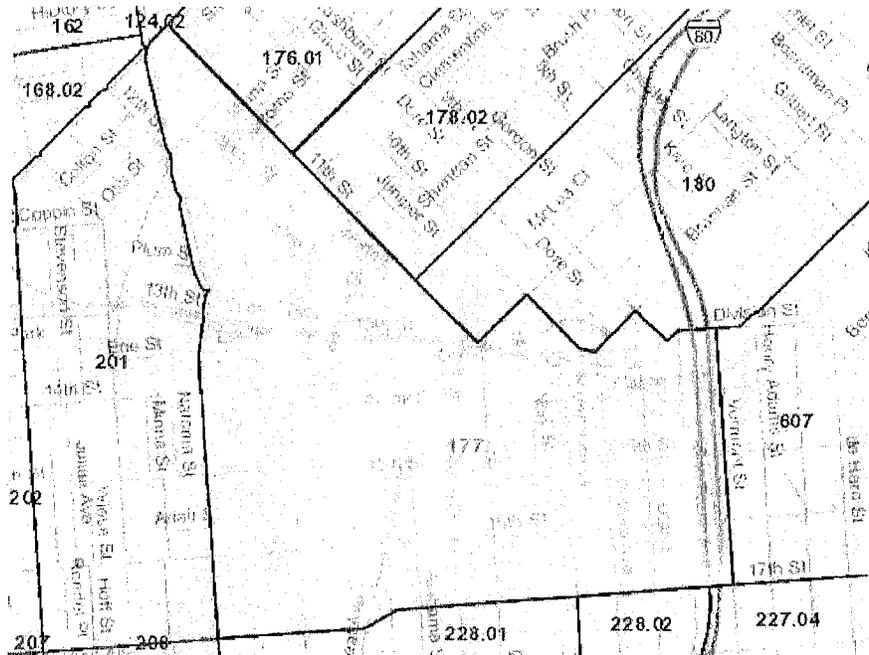
Features

- Major Road
- Street
- Stream/Waterbody

Your Selections

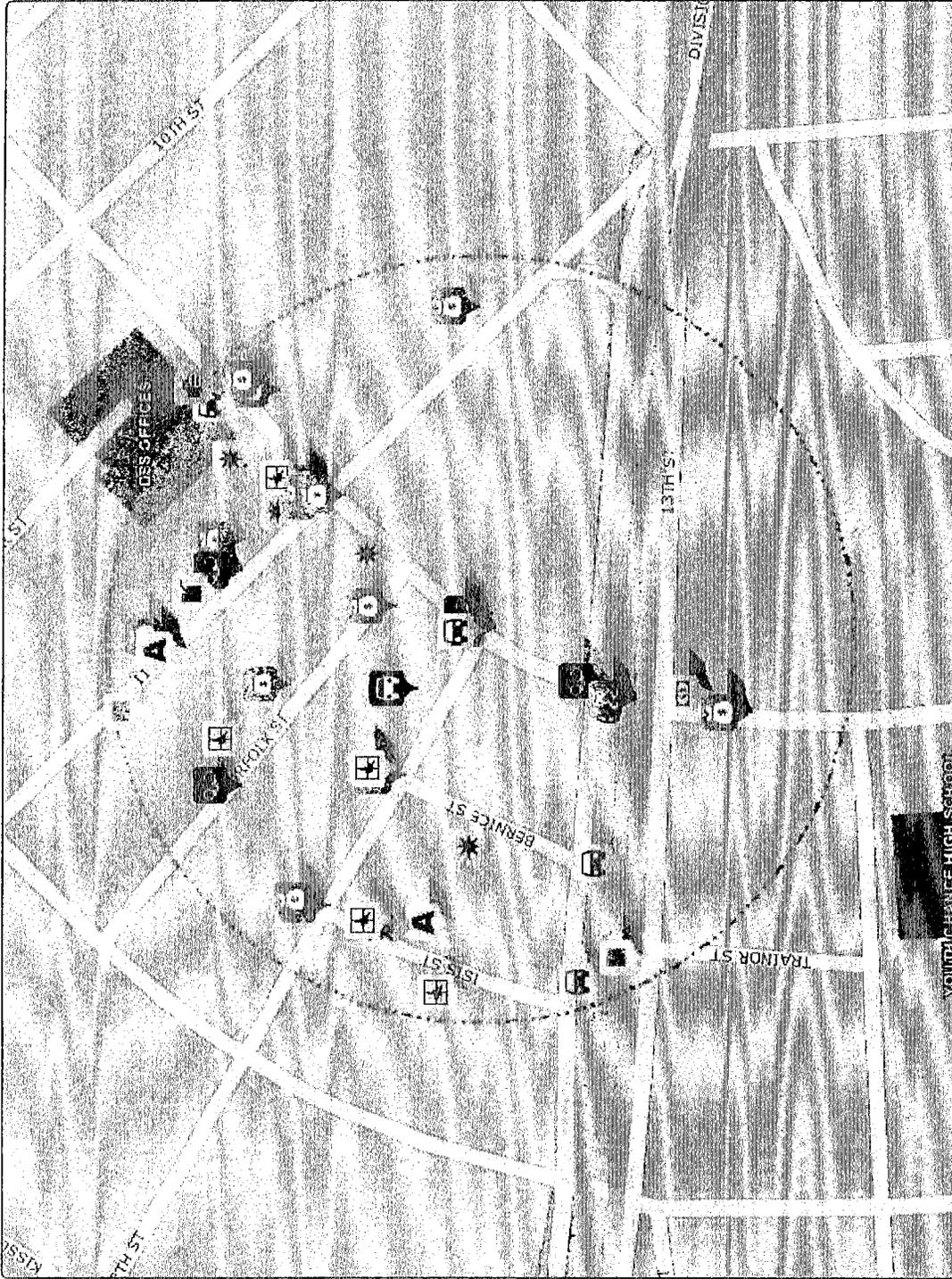
- Your Selections

Items in grey text are not visible at this zoom level



398-12th Street-500 ft radius

09/02/2010-09/01/2011



Map Legend	
	Incidents (243)
	Larceny/Theft (86)
	Other Offenses (22)
	Warrants (19)
	Non-Criminal (17)
	Warrants (15)
	Assault (14)
	Burglary (12)
	Vehicle Theft (10)
	Vandalism (10)
	Suspicious Occurrence (8)
	Drug/Narcotic (7)
	Forgery/Counterfeiting (6)
	Fraud (4)
	Robbery (3)
	Trespassing (2)
	Missing Person (2)
	Secondary Codes (1)
	Arson (1)
	D.U.I. (1)
	Embezzlement (1)
	Recovered Vehicle (1)
	Disorderly Conduct (1)

All representations on this map are distributed and transmitted "AS IS" without warranties of any kind, either expressed or implied including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. In no event shall San Francisco Police Department become liable to users of these data for any loss or damages, consequential or otherwise, including but not limited to time, money, goodwill, arising from the use, operation or modification of the data. The visual presentation of data is being provided strictly as a courtesy, not as an obligation to its users.

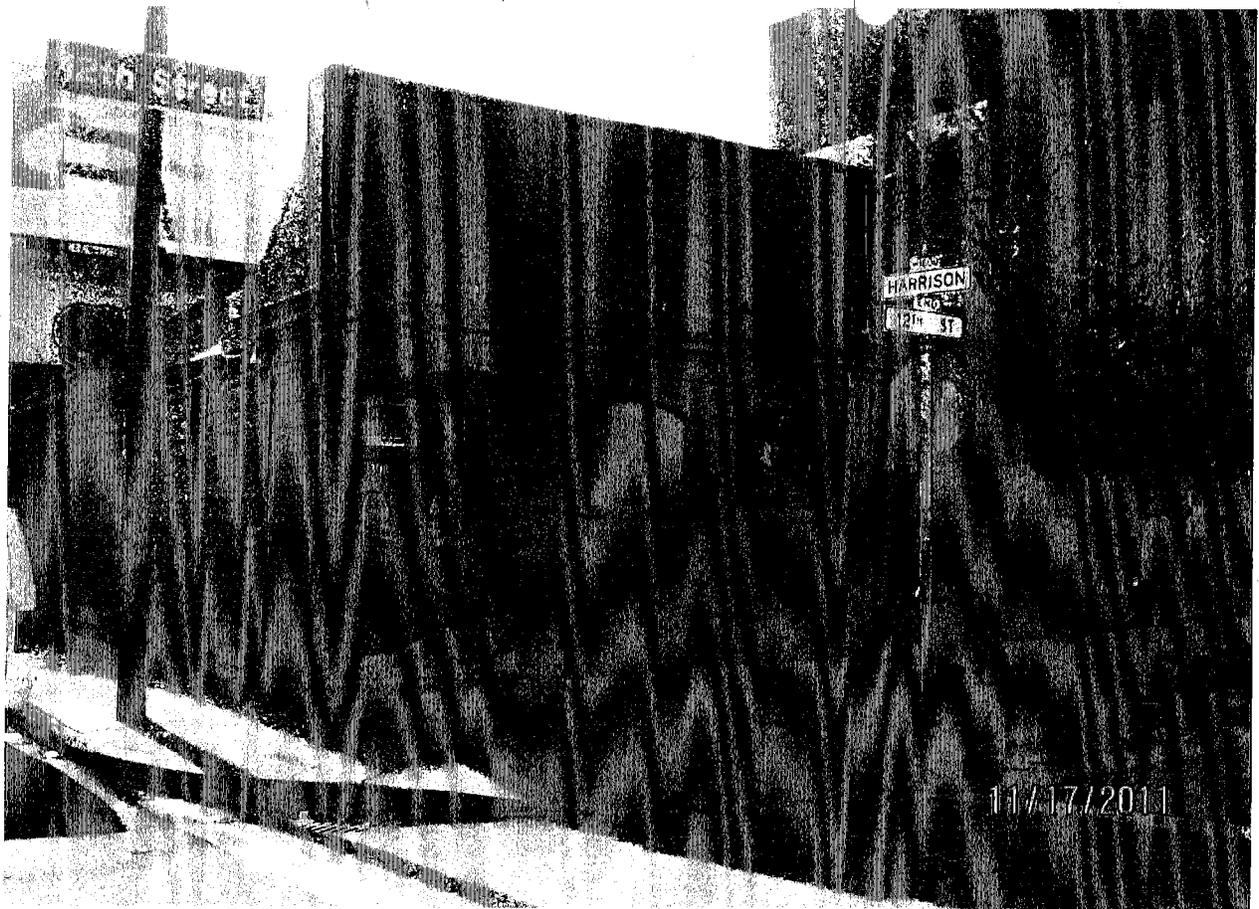
WARNING: This map does not meet the national map accuracy standards.

Call No	Agency	Call Type	Disposition
Report No	Jurisdiction	Dispatch Area	# Prior Calls
Unit ID	Origin	Dept ID	Priority
Rep Area	Area	Sector	
Location 398-12TH ST			Range
Apartment	City		
Entry Oper	Dispatch Oper		
From Date 03/01/2011	To Date 09/01/2011	From Time	To Time
Comments			
<input type="text"/> Search			

No hits found

Call No	<input type="text"/>	Agency	<input type="text"/>	Call Type	<input type="text"/>	Disposition	<input type="text"/>
Report No	<input type="text"/>	Jurisdiction	<input type="text"/>	Dispatch Area	<input type="text"/>	# Prior Calls	<input type="text"/>
Unit ID	<input type="text"/>	Origin	<input type="text"/>	Dept ID	<input type="text"/>	Priority	<input type="text"/>
Rep Area	<input type="text"/>	Area	<input type="text"/>	Sector	<input type="text"/>		
Location	398-12TH ST					Range	<input type="text"/>
Apartment	<input type="text"/>	City	<input type="text"/>				
Entry Oper	<input type="text"/>	Dispatch Oper	<input type="text"/>				
From Date	09/01/2010	To Date	03/01/2011	From Time	<input type="text"/>	To Time	<input type="text"/>
Comments	<input type="text"/>						
<input type="button" value="Search"/>							

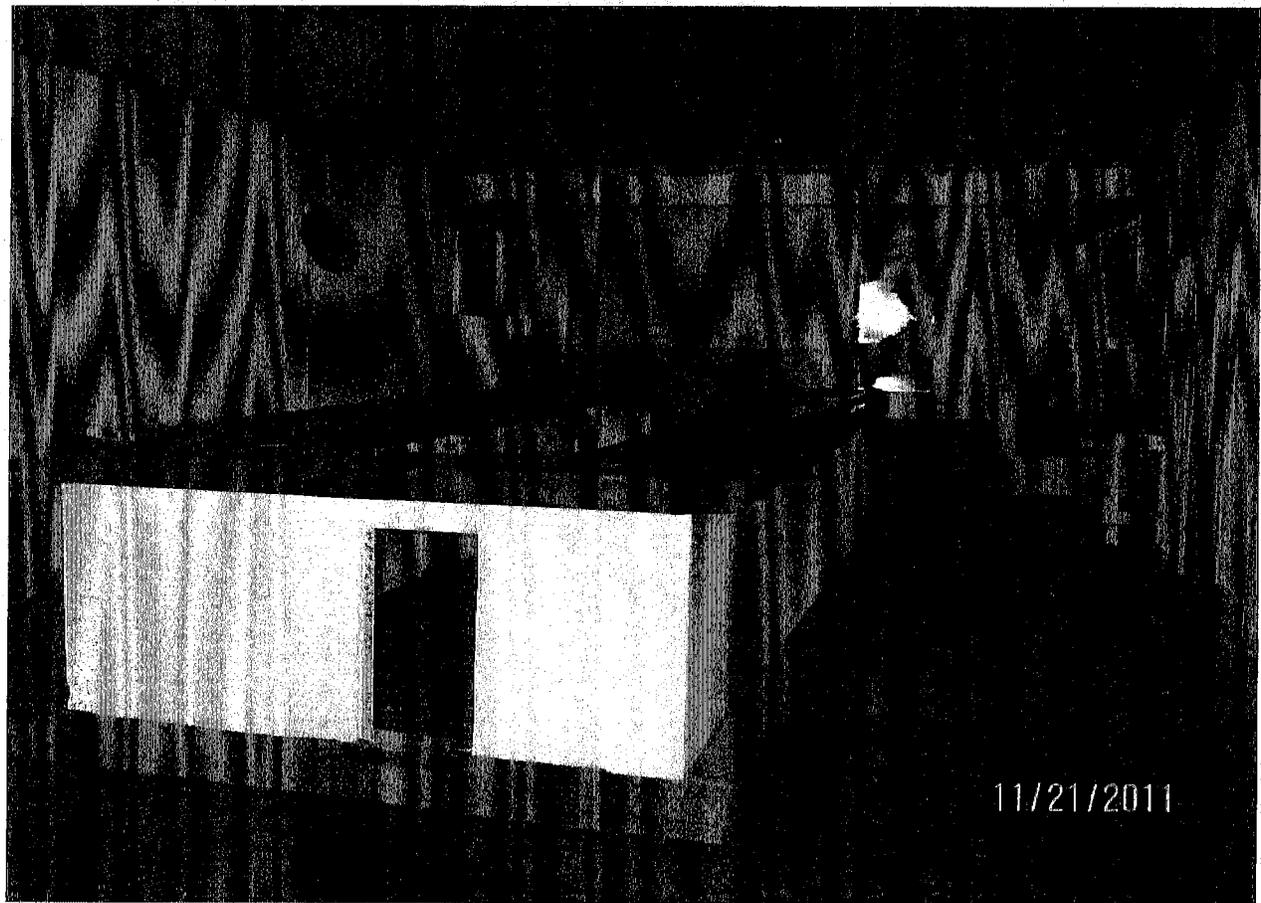
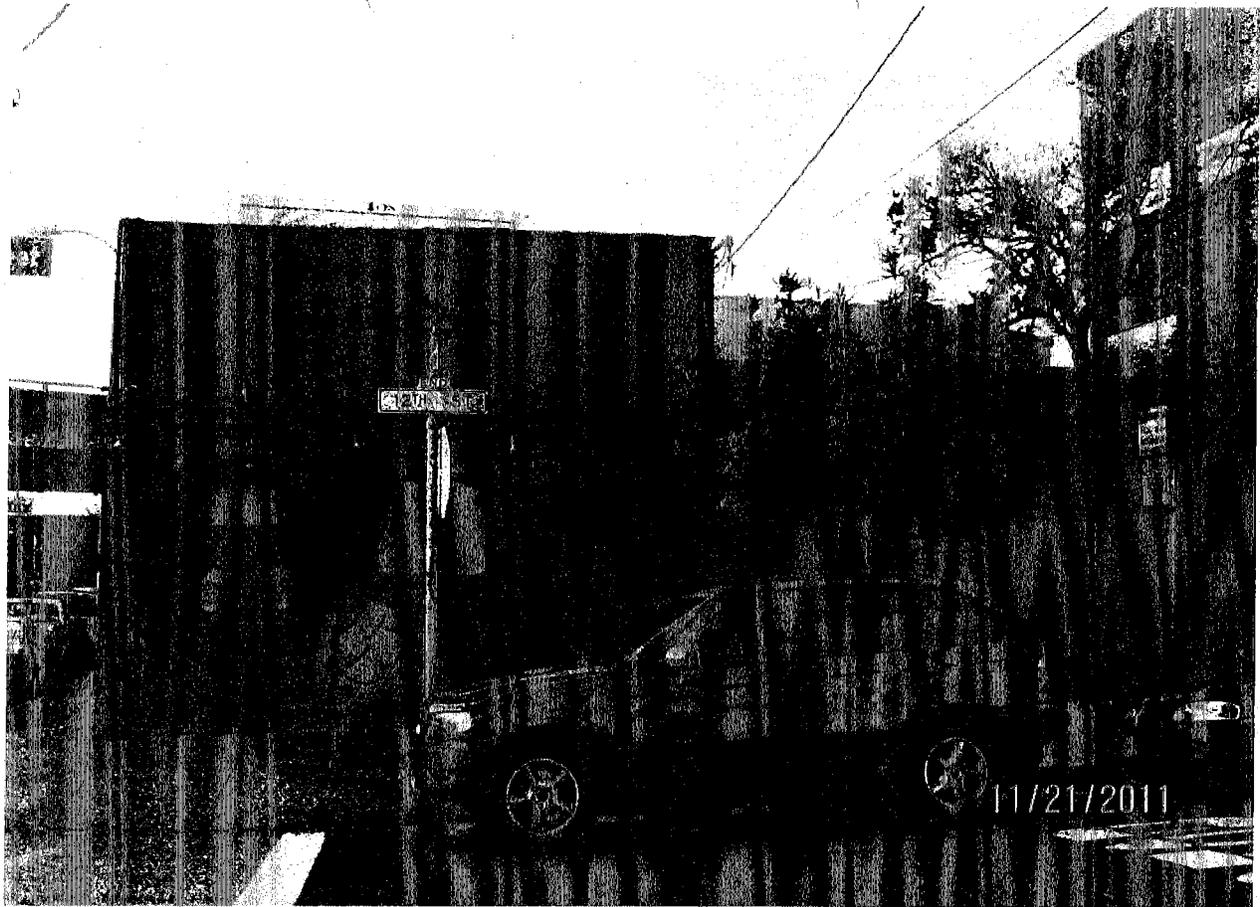
No hits found

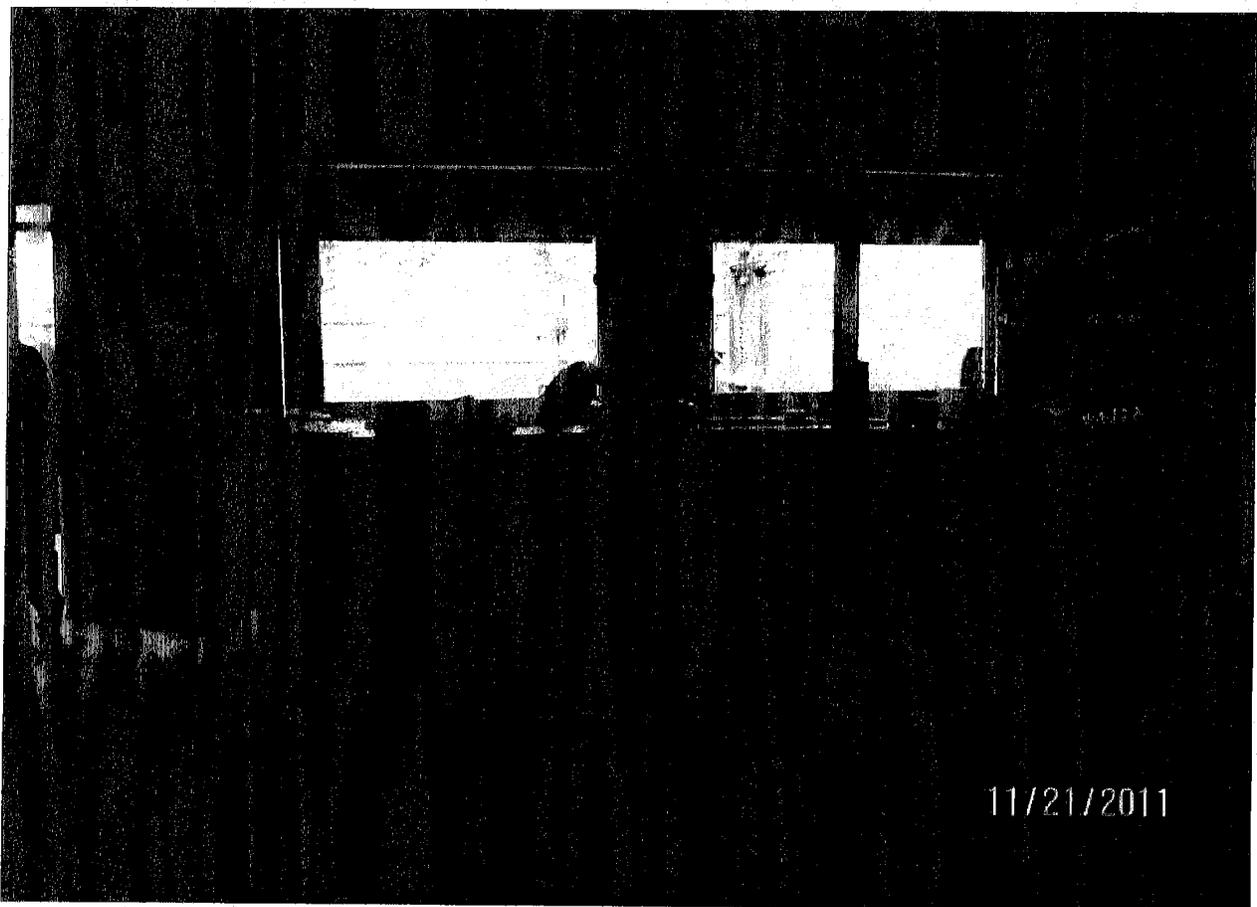


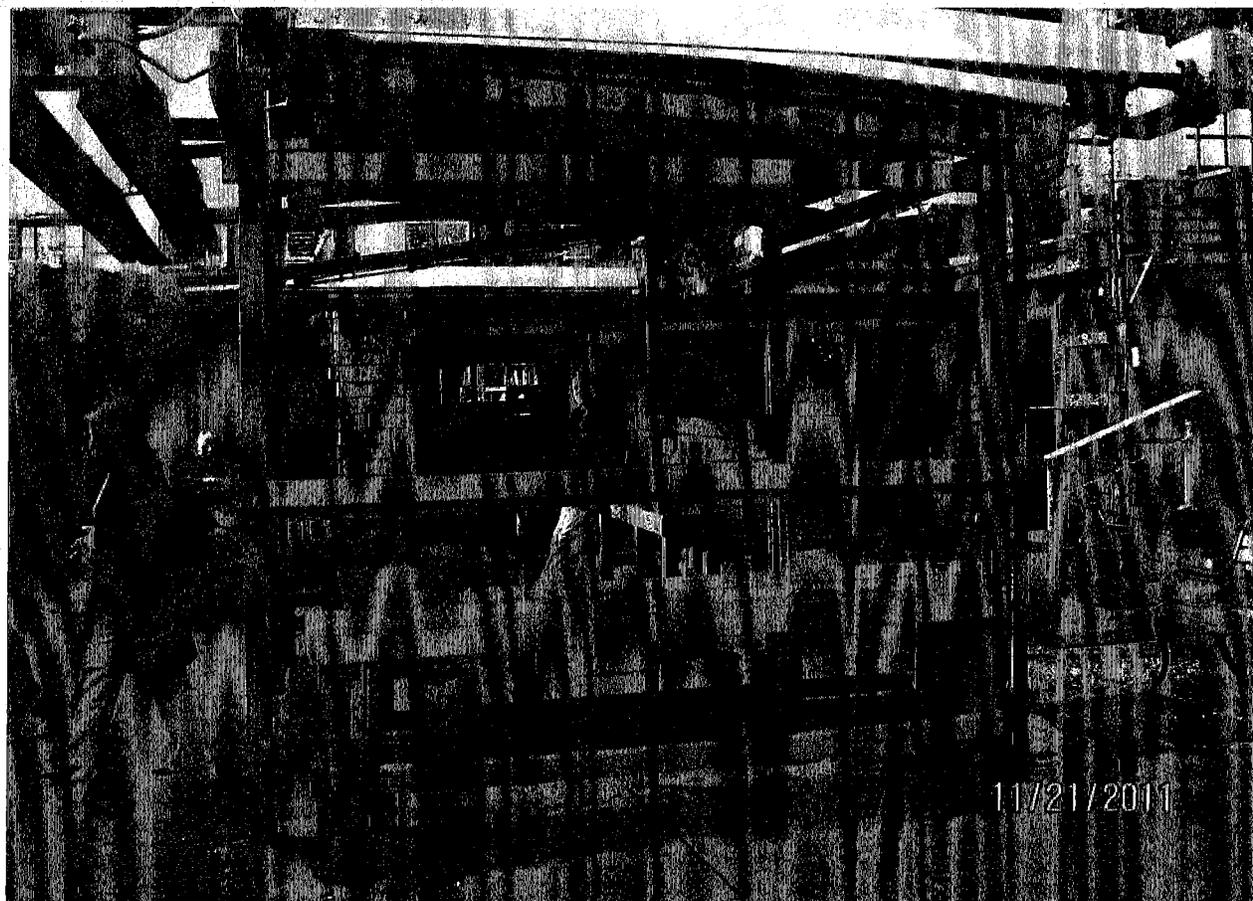
100 S. 10th St

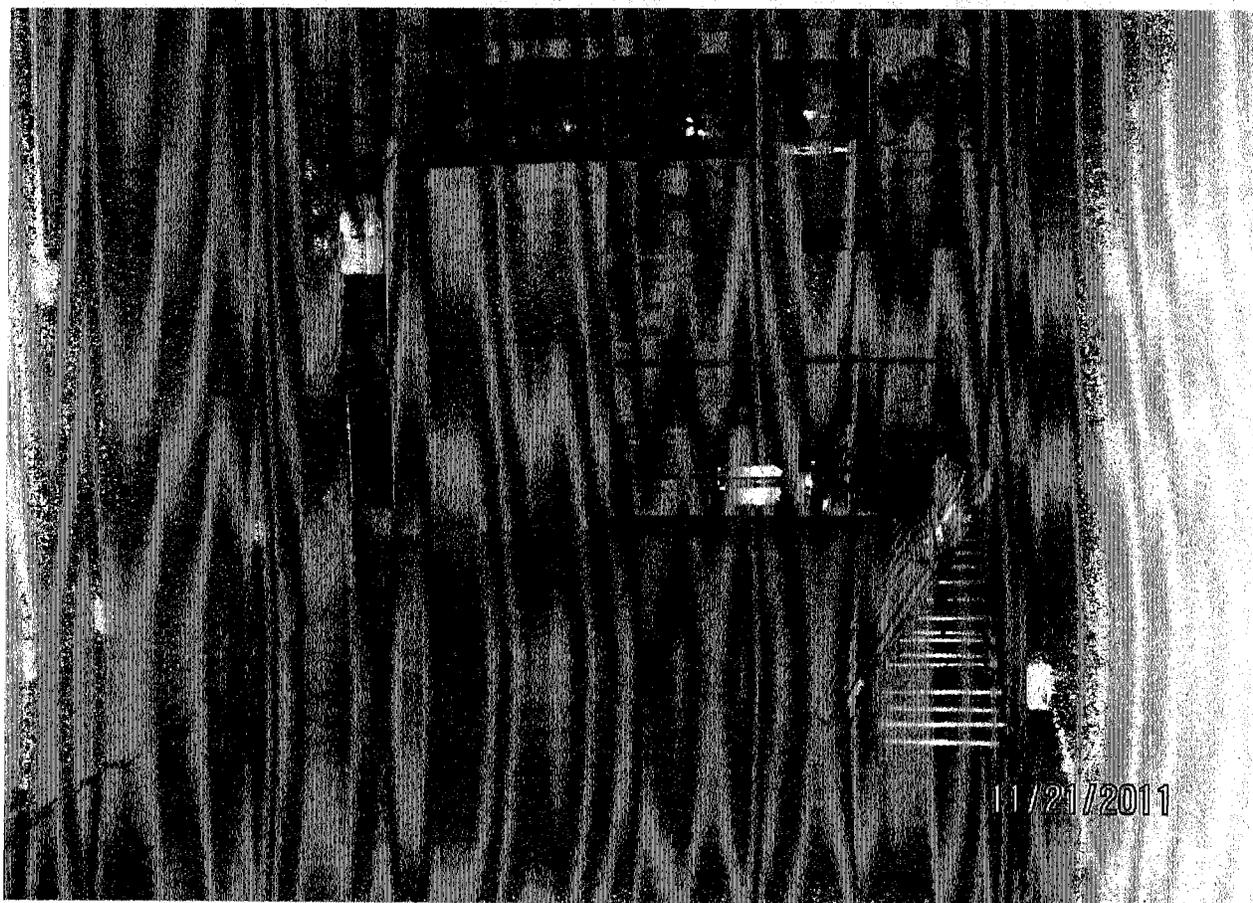
HARRISON
12th St

11/17/2011

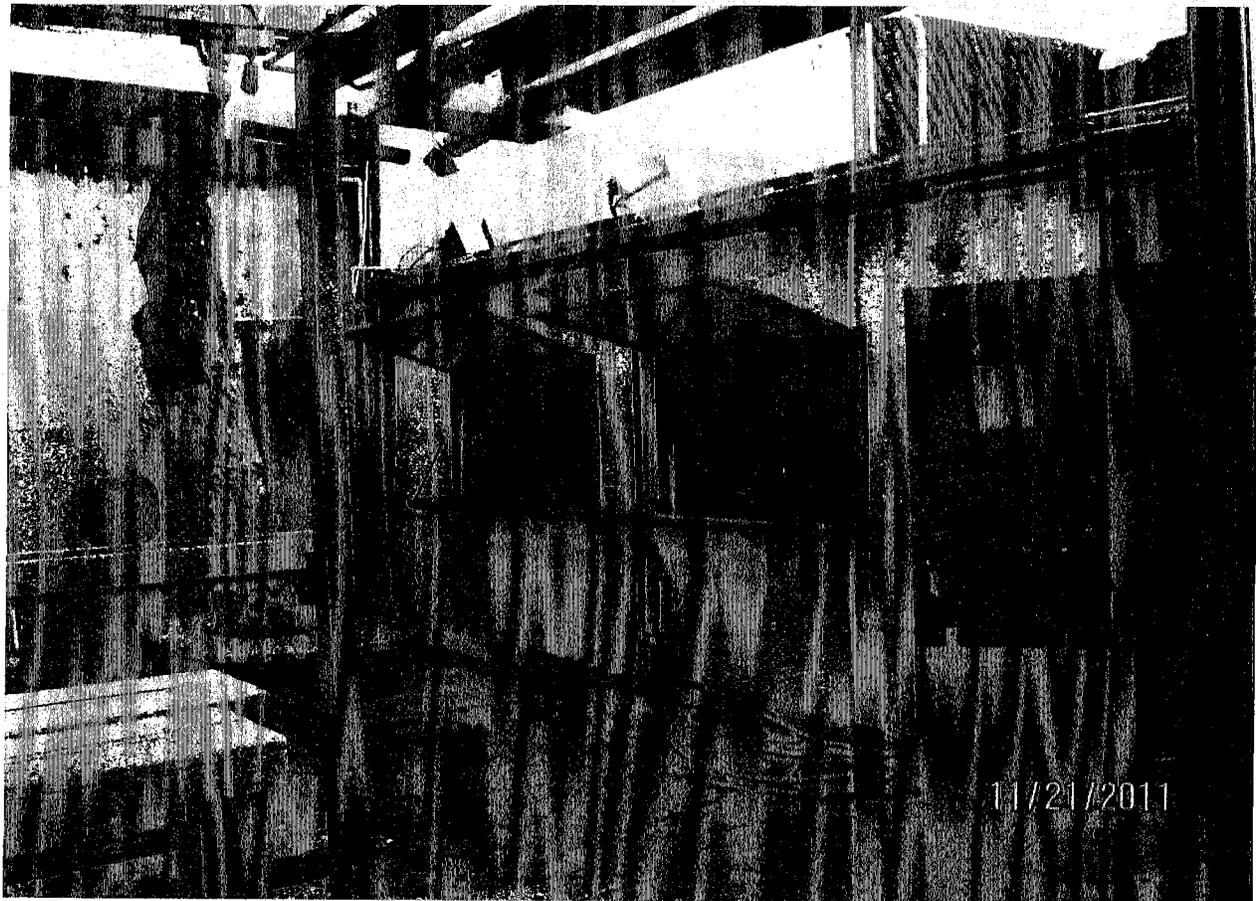
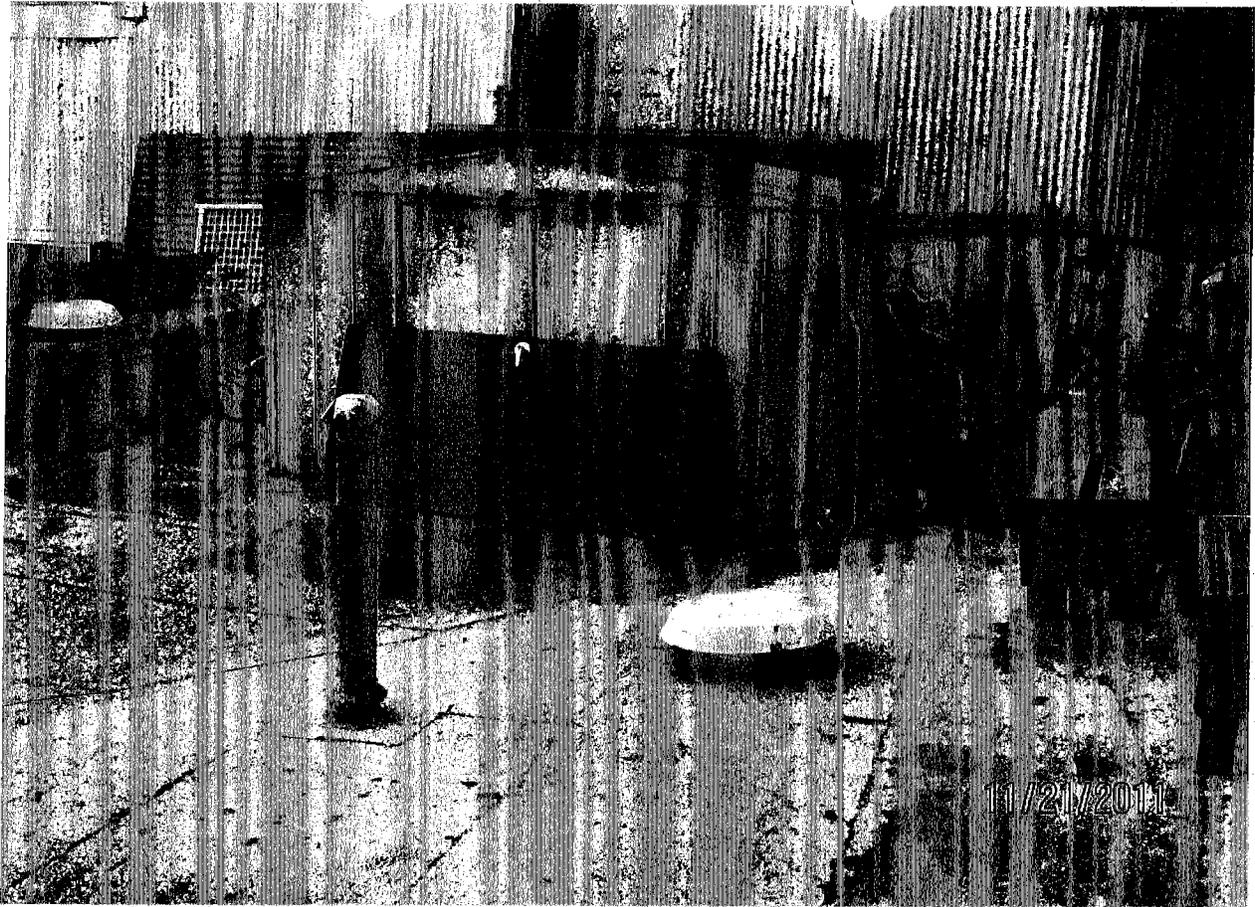












7.9.12
398 2TH ST # 1206
Reviewed in Committee

Bio

Co-founder of Foreign Cinema restaurant, Bruce McDonald is a restaurateur with a broad business background. Mr. McDonald started his career in hospitality as a dishwasher, prep cook and busboy in high school before leaving the industry and pursuing a career in software engineering and management consulting. He earned a BA in Engineering Sciences from Dartmouth College, spent 5 years working software development which included several years in Japan where he became fluent in Japanese, tasting sake and eating sushi. Mr. McDonald returned to academia and earned an MBA from Northwestern University's Kellogg School of Management. He then spent the next five years working in management consulting for Booz Allen and Hamilton working on projects that spanned all industries and disciplines. This experience left him feeling rewarded but exhausted and ultimately thought there was something better in his future.

In 1999, Mr. McDonald joined forces with two other visionaries in the restaurant industry and opened Foreign Cinema to wide critical acclaim. Foreign Cinema has been ranked among the top 50 restaurants in the Bay Area by Michael Bauer of the San Francisco Chronicle every year it has been open. A year later they opened Laszlo, a successful DJ bar adjacent to Foreign Cinema. Mr. McDonald took control of the operation in 2001 when 9/11 and a lagging economy strained the business and has successfully run it along with chef/partners Gayle Pirie and John Clark since that time.

Recently Mr. McDonald and chefs Pirie/Clark opened Showdogs, an emporium of sausages, beer and other casual foods at the corner of 6th Street and Market Street in San Francisco. Again, the critics have raved about the house made sausages and condiments.

Mr. McDonald was also quoted recently in the Wall Street Journal about his experience opening Foreign Cinema:

"Entrepreneurs who've done their homework and have faith in their business plan may feel comfortable pressing ahead with a risky location, even if the landlord or owner of the space expresses doubts.

Bruce McDonald, co-owner of the Foreign Cinema restaurant in San Francisco's gritty Mission District, founded the establishment in 1998, leasing space that previously had high turnover, including some month-to-month tenants.

The owner of the building, Colleen Meharry, says she leveled with Mr. McDonald about the previous occupants, whose enterprises included a used-clothing store and a taco stand. "They were just lousy operators. They just looked good to me as long as they paid the rent."

Ms. Meharry says she had doubts about Mr. McDonald's business plan: wooing an upscale clientele with \$30 entrees, a sophisticated atmosphere and foreign films projected in a central courtyard—all in one of the city's worst quarters. "Your car was more likely

to be stolen than valet-parked in that neighborhood back then,” Ms. Meharry says. “There was a lot of crime.”

True, says Mr. McDonald. But all of that had a certain appeal for the kind of customer he envisioned, he says. “I know that to be considered cool, some restaurants benefit from being in an area that’s edgy,” he says. “The fact that the neighborhood was a little bit rough was more positive than negative. So going into a place that hadn’t been successful actually helped us.”



RE: File No. 120643 (398-12th Street)
Ray Alexander
to:
Derek.Evans
07/10/2012 02:21 PM
Hide Details
From: "Ray Alexander" <rmalex@rmalex.com>
To: <Derek.Evans@sfgov.org>,

Derek: Thanks for your diligence and follow-up on this.

Raymond M. Alexander, Jr.
Law Offices of Raymond M. Alexander, Jr.
214 Grant Avenue, Suite 400
San Francisco, CA 94108
(415) 989-9011
rmalex @rmalex.com

From: Derek.Evans@sfgov.org [<mailto:Derek.Evans@sfgov.org>]
Sent: Tuesday, July 10, 2012 12:33 PM
To: rmalex@rmalex.com
Subject: Re: File No. 120643 (398-12th Street)

Mr. Alexander,

Per your phone inquiry regarding File No. 120643 (398-12th Street Liquor License), I have received some clarification from the Police Department as to how the noticing process works. Inspector Julie Lazar informed me that noticing is required within the first 30 days of the application submittal, and the applicant is responsible for noticing addresses in a 500-foot radius. All the noticing requirements and actions are documented with ABC.

For this particular license, Inspector Lazar said that the noticing took place in October 2011.

Should you have any more questions, you can contact me or inquire directly with ABC: (415) 356-6500.

Regards,

Derek K. Evans
Board of Supervisors Committee Clerk
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
P: (415) 554-7702 F: (415) 554-5163

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